

Appln No. 09/672,287
Amdt date July 3, 2003
Reply to Office action of April 7, 2003

REMARKS/ARGUMENTS

Claims 1 to 4, 6 to 11 and 13 to 20, as amended, are pending. Applicant has amended claim 1 and added new claims 16 to 20. The amendments find full support in the original specification and claims. In particular, the amendment to claim 1 and new claims 16 to 20 find support in the specification at page 11, lines 12 to 17. No new matter is presented. In view of the above amendments and following remarks, Applicant respectfully requests favorable reconsideration and a timely indication of allowance.

The Examiner rejected claims 1 to 4, 7 and 8 under 35 U.S.C. § 102(e) as allegedly anticipated by Goda. Applicant respectfully traverses this rejection.

Independent claim 1 recites a negative active material for a rechargeable lithium battery comprising a particle-agglomerated product comprising a carbonaceous material and an amorphous metal compound that is derived from a fatty acid metal salt, the carbonaceous material being a material into or from which lithium is intercalated or deintercalated, and the amorphous metal compound being able to make an alloy with lithium and including one or more metals selected from the group consisting of Sn, Ag, Fe, Pd, Pb, Al, Si, In, Ni, Co, An and Cd, wherein the amorphous metal compound is present in an amount of 30 wt% or less based on the total weight of the negative active material.

Goda does not teach or suggest the claimed amount of the amorphous metal compound. To the contrary, Goda teaches the inclusion of a large amount of the amorphous metal compound compared to the amount of carbonaceous material. In the present invention, a relatively large amount of the carbonaceous material is included in the particle-agglomerated product. However, in Goda, flake graphite is used in a small amount as a conductive agent in a slurry for preparing a negative electrode. In Example 8 of Goda, previously cited by the Examiner, Goda discloses using 6% of the flake graphite, with 88% of an amorphous metal compound synthesized in accordance with Example 1. As noted in the present specification, when the amount of the metal compound exceeds 30 wt%, the charge and discharge efficiency and cyclic characteristics of the negative active material deteriorate. (See page 11, lines 4 to 17.) Goda nowhere teaches or

Appln No. 09/672,287
Amdt date July 3, 2003
Reply to Office action of April 7, 2003

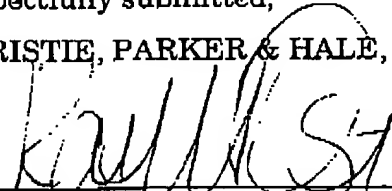
suggests using the amorphous metal in the amount presently claimed. In fact, Goda teaches away from the claimed invention by teaching the inclusion of a very large amount of the amorphous metal.

Accordingly, Goda does not teach or suggest the claimed invention, and Applicant respectfully requests that the rejection over Goda be withdrawn.

The Examiner indicated that the subject matter of claim 6 is allowable. Applicant has added new claims 19 and 20, which recite all of the limitations of original claims 1 and 6. New claims 19 and 20 are therefore allowable. The Examiner also indicated that method claims 9 to 11 and 13 to 15 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of pending claims 1 to 4, 6 to 11 and 13 to 20 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be resolved by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Kathleen M. Olster
Reg. No. 42,052
626/795-9900

KMO/edb
EDB PAS513349.1-*07/3/03 2:24 PM